



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,384	10/31/2000	Victor B. Lortz	10559-299001	5608

20985 7590 02/24/2006

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,384

Applicant(s)

LORTZ ET AL

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on April 7, 2005.

Claims 1-29 are pending in this application.

Claim Objections

Claims 8 and 12 are objected to because of the following informalities: they appear to have been meant to be dependent on claim 7 and 11, respectively, but are currently listed as dependent on 5 and 9. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 8, and 12 recite the limitation "the policy" in line 2. There is insufficient antecedent basis for this limitation in the claim. The claims that they depend on relate to a network policy, but it is unclear whether these claims reference the network policy or some other none introduced policy.

Claims 8 and 12 recite the limitation "the file " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 9, 13, 17, 21, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Parnafes (6839766).

Regarding claims 1, 5, and 9, Parnafes discloses a method (Column 4, lines 26 – 27; lines 29 – 34), comprising: receiving a specification for translating a network policy from a first schema to a second, different schema (Column 8, lines 34 – 36; lines 44 – 49); translating the network policy into the second different schema based on the specification (Column 9, lines 11 – 26); and configuring a network system based on the translated policy (Column 4, lines 33 – 34).

Regarding claims 13, 17, and 21, Parnafes discloses a method (Column 4, lines 26 – 27; lines 29 – 34), comprising: storing a network policy for configuring a network system according to a first schema; storing a specification for translating the network policy from the first schema to a second different schema (Column 8, lines 34 – 36; lines 44 – 49); translating the network policy into the second different schema based on the specification (Column 9, lines 11 – 26); and sending the translated network policy to a client computer (Column 4, lines 33 – 34).

Regarding claim 25, Parnafes discloses a method of configuring a network (Column 4, lines 26 – 27; lines 29 – 34) comprising: transmitting a network policy according to a first schema and a specification for translating the network policy from

Art Unit: 2155

the first schema to a second different schema from a server; receiving the network policy and the specification on a first client computer (Column 8, lines 34 – 36; lines 44 – 49); translating on the client computer the network policy from the first schema to the second different schema using the specification (Column 9, lines 11 – 26); and configuring the network system on the first client computer using on the translated network policy (Column 4, lines 33 – 34).

Regarding claim 26, Parnafes teaches the method of claim 25, further comprising: receiving the network policy on a second client computer and configuring the network system on the second client computer using on the network policy (Column 4, lines 33 – 34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-8, 10-12, 14-16, 18-20, 22-24, and 26-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Parnafes (6839766) in view of Kuznetsov (6772413).

Regarding claims 14, 18, 22 and 27, Parnafes teaches the method of claims 13, 17, and 21.

Parnafes does not explicitly indicate that prior to translating the network policy the steps of: sending the network policy to the client computer; sending the

specification for translating the network policy to the client computer; and receiving an indication that the client computer cannot translate the network policy.

Kuznetsov teaches a system of translating a file transmitted in a first network device following a first data format and a network protocol to a second network device following a second data format and a network protocol (Column 6, lines 54 – 66) that includes a specification to help translate the data (Column 10, lines 55 – 65) and that part of the system includes negotiating the parameters of the types of data formats that the network devices support before the translating occurs (Column 11, lines 43 – 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kuznetsov's teaching of a more generic transformation of network formats and protocols to improve Parnafes's system for dealing with COPS protocols configuring non-COPS network devices to enable Parnafes' more flexibility to handle the further development of newer data formats and protocols and allow those new formats to be integrated with the system as well.

Regarding claims 2, 6, 10, 15, 19, 23, and 28, Parnafes teaches the method of claims 1, 5, 9, 13, 17, 21, and 25.

Parnafes does not explicitly indicate that the network policy is represented in eXtensible Markup Language and the specification is represented in eXtensible Stylesheet Language.

Kuznetsov teaches a system of translating a file transmitted in a first network device following a first data format and a network protocol to a second network device following a second data format and a network protocol (Column 6, lines 54 – 66) that

includes a specification to help translate the data (Column 10, lines 55 – 65). As part of Kuznetsov's teaching he includes that the data file can be XML and that the specification can be XSL (Column 14, lines 28 – 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kuznetsov's teaching of a more generic transformation of network formats and protocols to improve Parnafes's system for dealing with COPS protocols configuring non-COPS network devices to enable Parnafes' more flexibility to handle the further development of newer data formats and protocols and allow those new formats to be integrated with the system as well.

Regarding claims 3, 7, and 11, Parnafes teaches the method of claims 1, 5, and 9.

Parnafes does not explicitly indicate that the specification is received in a file from a policy server.

Kuznetsov teaches a system of translating a file transmitted in a first network device following a first data format and a network protocol to a second network device following a second data format and a network protocol (Column 6, lines 54 – 66) that includes a specification to help translate the data (Column 10, lines 55 – 65) and that part of the system includes specifications that can be obtained through communications with the communicants, which would include the policy server (Column 11, lines 43 – 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kuznetsov's teaching of a more generic transformation of

network formats and protocols to improve Parnafes's system for dealing with COPS protocols configuring non-COPS network devices to enable Parnafes' more flexibility to handle the further development of newer data formats and protocols and allow those new formats to be integrated with the system as well.

Regarding claims 4, 8, 12, 16, 20, 24, and 29, Parnafes in combination with Kuznetsov teaches the claims 3, 5, 9, 13, 17, 21, and 27, and that the specification (Kuznetsov, Column 11, lines 43 – 46) and network policy (Parnafes, Column 4, lines 26 – 27; lines 29 – 34) are received from the policy server and that network policy can be in XML data format and the specification can be in the format of XSL (Column 14, lines 28 – 33).

The combination of Parnafes and Kuznetsov does not explicitly indicate that the network policy and the specification are stored in one file.

Examiner takes Official Notice (see MPEP § 2144.03) that "an XML message and an XSL file can be sent together in one file". The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the

reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6816871 issued to Lee, because it discloses translating XML files at a client location.

U. S. Patent No. 6408326 issued to Larsson, because it discloses sending from a policy server to a client a policy file and that client translating the policy.

U. S. Patent No. 6023714 issued to Hill, because it discloses transferring a markup language file and a style sheet to a client.

U. S. Patent No. 6792577 issued to Kimoto, because it discloses an XML distribution system involving combining an XML file and XSL file into one broadcast.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
February 18, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER